

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC
MEDICINE, *et al.*,

Plaintiffs,

V.

U.S. FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

Case No. 2:22-cv-00223-Z

UNOPPOSED MOTION FOR LEAVE TO PROCEED
WITHOUT LOCAL COUNSEL

By separate motion, the States have sought leave to intervene as plaintiffs in this action. Pursuant to Fed. R. Civ. P. 7, the States of Missouri, Kansas, and Idaho hereby respectfully move the Court under Local Rule 83.10(a) to waive the requirement to obtain local counsel who resides or has a principal office located within 50 miles of the courthouse. In the alternative, the States ask for the Court to stay that requirement temporarily.

Good cause exists to grant this request for a waiver under Local Rule 83.10(a). First, this Court's rules grant an exemption to attorneys appearing on behalf of the Federal Government (which is representing Defendants) or the Attorney General of Texas. L.R. 83.11. As sovereign States, the Proposed Intervenors are similarly situated. (Indeed, the capital cities of two Plaintiff States are about the same distance

from this Court as Austin, Texas, is.) Second, unlike commercial litigation, where the expertise of local counsel with the legal culture is most pronounced, this case involves a public-interest challenge to a policy of the Federal Government affecting millions of Americans. Like the Federal Government, the States are repeat actors in this area and are well-acquainted with the intricacies of lawsuits under the Administrative Procedure Act. Third, the States have diligently sought to comply with the local-counsel requirement. Indeed, the States were informed just hours before they intended to file that the attorney whom the States anticipated would serve as local counsel could not serve. And fourth, in a case such as this one, the requirement to obtain local counsel may operate as a barrier to a full hearing of all claims. Given the nature of this lawsuit, many law firms (if not most) may be reticent to serve as local counsel because the lawsuit may be unpopular among their business clients.

Should the Court decline to grant a waiver, the States ask the Court to stay the local-counsel requirement temporarily. The States have diligently (yet so far unsuccessfully) sought to retain local counsel. The States will continue that diligent search if this Court denies the request for a waiver. But in light of the nature of this suit, the States anticipate needing more time than normal to find local counsel in this case.

Dated: November 3, 2023

Respectfully submitted,

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** pro hac vice applications forthcoming*

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CERTIFICATE OF CONFERENCE

I certify that on November 2, 2023, counsel for the States conferred with counsel for Plaintiffs and Defendants about the relief sought by this motion. Counsel for Plaintiffs consented. Counsel for Defendants stated that they take no position.

/s/ Joshua M. Divine

JOSHUA M. DIVINE

CERTIFICATE OF SERVICE

I certify that on November 3, 2023, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ Joshua M. Divine

JOSHUA M. DIVINE